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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,399	09/23/2003	Kuo Shih-Chieh	BHT/3212-42	9361

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TROXELL LAW OFFICE
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EXAMINER

TRAN, VINCENT HUY

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,399

Applicant(s)

SHIH-CHIEH ET AL.

Examiner

Vincent T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-33 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-33 are pending for examination.

Claim Objections

2. Claim 17 is objected to because of the following informalities: “within the second computer system” - duplication. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9, 21-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Atkins et al. U.S. 6,182,212.

5. As per claim 1, Atkins et al. disclose a method for transferring, in response to a user request, user system settings from a computer system to a storage medium[col. 3 lines 12-23], the method comprising the steps of:

(a) scanning the computer system to identify the user system settings capable of being transferred within the computer system [col. 3 lines 28-35];

(b) retrieving and storing the user system settings capable of being transferred [56-106 fig. 2]; and

(c) transferring the stored user system settings from the computer system to the storage medium [col. 8 lines 18-23].

6. As per claim 2, Atkins et al. further disclose the step of identifying the data files, capable of being transferred, in data files of a central hierarchical database within the computer system [col. 3 lines 64-67].

7. As per claim 3, Atkins et al. further disclose the identifying the settings, capable of being transferred, in settings regarding a plurality of application program interface routines within the computer system [58, 66, 86 fig. 2].

8. As per claim 4, Atkins et al. inherently disclose a driving device for recording/reading data from the storage medium, and the communication of the driving device conforms to USB standard or PCMCIA standard [12 fig. 1].

9. As per claim 5, Atkins et al. disclose the storage medium is one selected from the group consisting of a soft diskette, an optical disk, a memory stick and a memory card [30 fig. 1].

10. As per claim 6, Atkins et al. disclose inherently the storage medium conforms to one selected from the group consisting of CompactFlash (CF) standard, MultiMediumCard (MMC) standard, Secure Digital (SD) standard, SmartMedia (SM) standard, Memory Stick (MS) standard, Memory Stick Duo (MSD) standard, and xD-Picture Card (xD-PC) standard.

11. As per claim 7, Atkins et al. disclose a method for transferring, in response to a first user request, predetermined user system settings stored in a storage medium to a computer system [col. 8 lines 24-32], the method comprising the steps of:

(a) scanning the computer system to identify the user system settings within the computer system matching the predetermined user system settings [col. 8 lines 34-45]; and

(b) replacing the user system settings within the computer system matching the predetermined user system settings by the predetermined user system settings stored in the storage medium [col. 51-59; from col. 9 line 64 to col. 10 line 5].

12. As per claim 8, Atkins et al. further disclose inherently the step of identifying the settings in settings regarding a plurality of application program interface routines within the computer system matching the settings of the predetermined user system settings [show in col. 8 lines 51-59].

13. As per claim 9, Atkins et al. further disclose inherently comprises the step of identifying the data files in data files of a central hierarchical database within the computer system matching the data files of the predetermined user system settings [show in col. 3 lines 63-67 and col. 8 lines 46-59].

14. As per claim 21-29, Atkins et al. disclose a method for transferring, in response to a user request, user system settings from a computer system to a storage medium. Therefore, Atkins et

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al. teach a computer program product comprising a storage medium having a computer program to perform the method.

15. Claims 14-16 are rejected under 35 U.S.C. 102(e) as being anticipate by Schmidt et al. US 20030074386.

16. As per claim 14, Schmidt et al. disclose a system for transferring user system settings from a first computer system to a second computer system[paragraph 0030], the system comprising:

a first scanning module, in response to a first user request, for scanning the first computer system to identify the user system settings capable of being transferred within the first computer system [paragraph 0031, 0070-0072];

a storage module for retrieving and storing the user system settings, within the first computer system, identified by the first scanning module [paragraph 0083];

a second scanning module, in response to a second user request, for scanning the second computer system to identify the user system settings matching the user system settings stored in the storage module [paragraph 0092, 0095, 0099, 0106]; and

a transferring module for replacing the user system settings stored within the second computer system matching the user system settings stored in the storage module by the user system settings stored in the storage module [paragraph 0109].

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17. As per claim 15, Schmidt et al. disclose inherently the user system settings, capable of being transferred, within the first computer system comprise the data files, capable of being transferred, in data files of a central hierarchical database within the first computer system.

18. As per claim 16, Schmidt et al. disclose inherently the user system settings, capable of being transferred, within the first computer system comprise the settings, capable of be transferred, in settings regarding a plurality of application program interface routines within the first computer system.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 10-13, 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkins et al. as applied to claim 7, 8, 9 above, and further in view of Goodman et al. US. 2003/0225927.

21. As per claim 10, Atkins et al teach before step (b), retrieving and storing the user system settings within the computer system matching the predetermined user system settings [see discussion in claim 1 and 7]; However, Atkins et al. do not teach expressly after step (b), in

response to a second user request, restoring the replaced user system settings by the retrieved and stored user system settings previously within the computer system and matching the predetermined user system settings.

Goodman et al. teach another method and system for immigrating a computing environment for a source computing platform to a destination computing platform. Specifically, Goodman et al. teach after step (b), in response to a second user request, restoring the replaced user system settings by the retrieved and stored user system settings previously within the computer system and matching the predetermined user system settings [paragraph 0035].

At the time of the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the method of Atkins with the step of restoring the replaced user system settings in order to protect the integrity of the system in the event the migration process was not successful.

22. As per claim 11, Atkins et al. teach the computer system comprises a driving device for recording/reading data from the storage medium, and the communication of the driving device conforms to USB standard or PCMCIA standard [see claim 4].

23. As per claim 12, Atkins et al teach the storage medium is one selected from the group consisting of a soft diskette, an optical disk, a memory stick and a memory card [see claim 5].

24. As per claim 13, Atkins et al. teach the storage medium conforms to one selected from the group consisting of CompactFlash (CF) standard, MultiMediumCard (MMC) standard,

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Secure Digital (SD) standard, SmartMedia (SM) standard, Memory Stick (MS) standard, Memory Stick Duo (MSD) standard, and xD-Picture Card (xD-PC) standard [see claim 6].

25. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al. as applied to claim 14, 15, 16 above, and further in view of Goodman et al.

26. As per claim 17, Schmidt et al. teach a first and second module for scanning and storing the user setting from a source computing platform to a destination platform. However, Schmidt et al. do not teach expressly a restoring module for storing the user system settings within the second computer system within the second computer system matching the user system settings stored in the storage module, and restoring the replaced user system settings by the stored matched user system settings in response to a third user request.

Goodman et al. teach another method and system for immigrating a computing environment for a source computing platform to a destination computing platform. Specifically, Goodman et al. teach, in response to a third user request, a restoring module for restoring the user system settings within the second computer system matching the user system settings stored in the storage module, and restoring the replaced user system settings by the stored matched user system settings [paragraph 0035].

At the time of the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the method of Schmidt et al. with the step of restoring the replaced user system settings in order to protect the integrity of the system in the event the migration process was not successful.

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27. As per claim 18, Schmidt et al. teach the storage module is one selected from the group consisting of a soft diskette, an optical disk, a memory stick and a memory card [156, 155 fig. 1].

28. As per claim 19, Schmidt et al. teach the storage module conforms to one selected from the group consisting of CompactFlash (CF) standard, MultiMediumCard (MMC) standard, Secure Digital (SD) standard SmartMedia (SM) standard, Memory Stick (MS) standard, Memory Stick Duo (MSD) standard, and xD-Picture Card (xD-PC) standard [paragraph 0025].

29. As per claim 20, Schmidt et al. teach the first computer system comprises a first driving device, the second computer system comprises a second driving device, the first driving device and the second driving device are for recording/reading data from the storage module, and communication of the first driving device and communication of the second driving device both conform to USB standard or PCMCIA standard [inherent].

30. **Examiner's note:**

Examiner has cited particular paragraph, columns, and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

31. Prior Art not relied upon:

Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent T. Tran whose telephone number is (571) 272-7210. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas c. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vincent Tran.

A handwritten signature in black ink, appearing to read 'Vincent Tran', with a stylized flourish extending to the right.